

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CYNTHIA B. HILL,)
)
Plaintiff,)
)
v.) Case No. CIV-10-1112-D
)
MICHAEL J. ASTRUE, Commissioner of)
Social Security Administration,)
)
Defendant.)

ORDER AWARDING ATTORNEY FEES

Before the Court is Plaintiff's Application for the Award of Attorney's Fees Under the Equal Access to Justice Act [Doc. No. 24]. Plaintiff seeks an award of legal fees in the amount of \$6,000.60 pursuant to the 28 U.S.C. § 2412. Plaintiff is the prevailing party in this action under 42 U.S.C. § 405(g) by virtue of the Judgment and Order of Remand entered September 20, 2011. The Commissioner has responded by stating he has no objection to the requested amount or to an award payable to Plaintiff, consistent with *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010), and *Manning v. Astrue*, 510 F.3d 1246 (10th Cir. 2007).

After consideration of the law, the case record, and the arguments of the parties, the Court finds: (1) the Commissioner's position in the case was not substantially justified; (2) Plaintiff is entitled to an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d); and (3) the amount of attorney fees requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Application is GRANTED. The Court orders an award of attorney fees to Plaintiff pursuant to the Equal Access to Justice Act

in the amount of \$6,000.60. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorneys shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 14th day of December, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE